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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,018	04/23/2001	Ranjit Sahota	004572.P004	5829

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EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/841,018	Applicant(s) SAHOTA ET AL.	
	Examiner KIEU-OANH BUI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed on 8/07/06 have been fully considered but they are not persuasive. After carefully studied the specifications again versus the arguments of the applicant's representative on the main issue that the receiver of the present claims recites "**a receiver to receive a broadcast and to insert an interactive channel bug into the broadcast**", the examiner respectfully disagrees with the applicants' representative's statements and concludes that the receiver of the present application does NOT perform or function as quoted by the applicant's representative and the claims are totally misleading facts on how the channel bug is received and displayed; and the specifications does not teach or show on how the receiver inserts the interactive channel bug, except for the fact that the channel bug is already inserted in the television stream from the broadcast stream or from a back channel, i.e., an Internet Protocol (IP) pathway, and the receiver or the **set top box simply decodes it from the received stream and then only to display it on the TV screen** (refer to page 6, par. 0029 & 0030 of the specifications). The bug is simply embedded into the broadcast stream by using ATVEF from the source (or headend, or broadcast file system) and the television system 100 receives and displays it (page 7/par. 0038-0039). Thus, the arguments from the applicants' representative are not valid and they show no supportive statements; and the office action stands valid for all grounds.

Remark

2. Claims 26-28 have been cancelled, and claims 29-31 have been added. Pending claims are claims 1-25 and 29-31 for reconsideration.

Claim Objections

3. Claim 30 is objected to because of the following informalities: claim 30 is dependent on cancelled claim 26. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-25 and 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims cites “**a receiver to receive a broadcast and to insert an interactive channel bug into the broadcast**” but the specifications does not support it and teach or suggest a different technique (refer to the examiner’s argument for further details).

Claim Rejections - 35 USC 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1-25 and 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Knudson et al. (U.S. Patent No. 6,536,041 B1).

Regarding claim 1, Knudson discloses “a system comprising: a display; and a receiver to receive a broadcast and to insert an interactive channel bug into the broadcast, the interactive channel bug to facilitate interactivity without the need for tuning to a dedicated channel associated with interactive services, and to provide the broadcast and the interactive channel bug to the display”, i.e., a display 190 as shown in Figure 13 and a receiver (as shown in Figure 1/set top box 52) for receiving interactive broadcasting services from a broadcaster, for example, real time data is providing on the same time with programming and program guides from television facility, and the display further provides an interactive channel controllable ticker including other icons (Fig. 13/item 187) regarding as interactive channel bug to display to the viewer for interactivity services (Fig. 13, 24-26, 27a-27c; and col. 7/lines 36-63 for set top box; col. 13/line 55 to col. 14/line 13 & col. 14/line 45-col. 15/line 13 & col. 15/line 30-42 for details on the controllable ticker wherein the ticker is independent from the television display, so that the user can still watch the television program and view interactive channel ticker for additional information based on the user’s preferences and setup, and the category can be changed; the ticker is automatically scrolling, and the user does not need to tune to any dedicated channel associated with interactive services).

As for claims 2-3, Knudson further discloses “wherein the interactive channel bug is a graphical object” (Fig. 13, item 187 provides a graphical object, col. 14/line 14) and “wherein the graphical object includes an interactive broadcast channel branding logo” (Fig. 1/item for a branding logo, col. 14/line 14, since the icon is a television channel icon; or Fig. 25/item 310 for a sponsor logo).

As for claims 4-5, Knudson shows “wherein the receiver selectively causes the interactive channel bug to appear or morph” (Fig. 19 for having the channel ticker or not) and “wherein the interactive channel bug is a launching point for interactive services”, i.e., selecting these icons will cause to appear the display of the interactive session for browsing/buying products and services (Fig. 24, and col. 18/line 61 to col. 19/line 27 for icons can be interactively access to other links and information).

As for claim 6, Knudson discloses “wherein the interactive channel bug launches a functionality determined by a broadcaster or network operator, the functionality capable of changing over time”, i.e., the network changes to provide the icons over time based on the request or interest of the user, refer to Fig. 11 and 20, and col. 13/lines 17-36 and col. 17/lines 25-52 for different times set up for the interactive channel ticker).

As for claim 7, Knudson discloses “wherein the form of the interactive channel bug is to change to indicate the availability of new interactive services” (Figs. 11-12 as the live event data feed is updated regularly as if a new interactive service is available, see col. 13/line 17-67).

As for claims 8-9, Knudson discloses “wherein a changed form of the interactive channel bug indicates the availability of interactive services associated with the broadcast” and “wherein a changed form of the interactive channel bug indicates the availability of interactive services associated with a purchase of products or services”, i.e., col. 13/line 55 to col. 14/line 13 & col. 14/line 45-col. 15/line 13 & col. 15/line 30-42 for details on the controllable ticker wherein the ticker is independent from the television display, so that the user can still watch the television program and view interactive channel ticker for additional information based on the user’s preferences and setup, and the category can be changed; the ticker is automatically scrolling for displaying updated and new interactive information; and Fig. 24, and col. 18/line 61 to col. 19/line 27 for icons can be interactively access to other links and information.

Regarding **claims 10-17** of “a method for a display system comprising: receiving a broadcast; receiving an interactive channel bug; inserting the channel bug into the broadcast, the interactive channel bug to facilitate interactivity; and providing the broadcast and the interactive channel bug to the display system” including the step of without the need for tuning to a dedicated channel associated with interactive services, **claims 18-25** of “a machine-readable medium providing instructions, which if executed by a processor, causes the processor to perform an operation comprising: receiving a broadcast; receiving an interactive channel bug; inserting the interactive channel bug into the broadcast, the interactive channel bug to facilitate interactivity; and providing the broadcast and the interactive channel bug to the display system” including the step of without the need for tuning to a dedicated channel associated with interactive services; and **claims 29-31** of “a method for providing interactive content comprising: capturing and analyzing a video stream to locate a standard non-interactive broadcast bug;

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determining a position of the standard non-interactive broadcast bug; aligning an interactive bug over the broadcast bug at the position; and displaying the interactive bug over the broadcast bug within the video stream”: these claims with same limitations addressed earlier are rejected for the reasons given in the scope of claims 1-9 as discussed in details above.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Division or Art Unit 2623.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kieu-Oanh Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
Oct. 10, 2006